REMARKS

The following remarks are made in response to the Non-Final Office Action mailed June 28, 2005. In that Office Action, the Examiner rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Nakabayshi, U.S. Patent No. 5,675,672 ("Nakabayshi"). Claims 7-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakabayshi in view of Honma, U.S. Patent No. 6,304,313 ("Honma").

With this Response, claims 1, 4, 5, 7, 9, 10, 12, 15, and 16, have been amended. Claims 1-17 remain pending in the application and are presented for reconsideration and allowance.

35 U.S.C. §102 Rejections

The Examiner rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Nakabayshi, U.S. Patent No. 5,675,672 ("Nakabayshi"). Independent claim 1, as amended herein, recites "receiving direction information indicative of a direction of movement between the image capture device and the document during the capture of the plurality of digital images". The Examiner stated that Nakabayshi discloses at col. 4, lines 45-48, and col. 6, lines 53-54, providing direction information indicative of the direction of movement of the digital camera during the capture of the plurality of digital images. Applicant respectfully disagrees. Nakabayshi at column 4, lines 45-48, discloses that "[i]n other words, both rows and columns of coded characters will be stored in the order or sequence as the original characters appeared to the scanner . . . ." As can be determined from reading these lines in the context of the entire paragraph, this cited portion of Nakabayshi indicates an advantage of using a two-dimensional memory, rather than a one dimensional register, and does not teach or suggest "receiving direction information indicative of a direction of movement between the image capture device and the document during the capture of the plurality of digital images", as recited in independent claim 1.

Nakabayshi discloses that, with a one dimensional register, there is a need for coordinates for identifying where the original characters in the image appeared. (See, e.g., Nakabayshi at col. 4, lines 34-51). In contrast, with a two-dimensional memory, the stored data includes rows and columns of characters just like the image, so the stored data "mimics"

the appearance of the image. (See, e.g., Nakabayshi at col. 4, lines 34-51). Thus, the cited portion of Nakabayshi discusses a format for storing characters appearing in a given image (i.e., two-dimensional rather than one-dimensional), but does not teach or suggest "receiving direction information indicative of a direction of movement between the image capture device and the document during the capture of the plurality of digital images", as recited in independent claim 1.

Nakabayshi at col. 6, lines 53-54, which was also cited by the Examiner, discloses "a handheld scanner 120 for reading-in documents (e.g., 32 in FIG. 1) . . . ." This disclosure regarding a handheld scanner does not teach or suggest "receiving direction information indicative of a direction of movement between the image capture device and the document during the capture of the plurality of digital images", as recited in independent claim 1.

The Examiner also stated with respect to Nakabayshi that the "[d]isclosed method stores scan data in the order received and this is performed automatically without manual intervention. Resulting order is the direction." (Office Action at page 5). The scan data disclosed in Nakabayshi is image data, and is not "direction information" as recited in independent claim 1. There is no teaching or suggestion in Nakabayshi that the scan data includes any direction information. There is also no teaching or suggestion in Nakabayshi to determine direction information from the scan data.

In view of the above, independent claim 1 is not taught or suggested by Nakabayshi, and is believed to be allowable over the cited reference. In addition, dependent claims 2-6, which further define patentably distinct claim 1, and are further distinguishable over the cited reference, are also believed to be allowable over the cited reference. Applicant respectfully requests removal of the rejection of claims 1-6 under 35 U.S.C. §102(b), and allowance of these claims is respectfully requested.

35 U.S.C. §103 Rejections

The Examiner rejected claims 7-17 under 35 U.S.C. §103(a) as being unpatentable over Nakabayshi in view of Honma, U.S. Patent No. 6,304,313 ("Honma"). Independent claim 7, as amended herein, recites "a controller coupled to the image sensor and configured to receive direction information indicative of a direction of movement of the digital camera during capture of the plurality of digital images". Independent claim 12, as amended herein,

recites that the processor is "configured to stitch the text from the electronic text files together based at least in part on direction information indicative of a direction of movement of the digital camera while the digital images are being captured." As addressed above with respect to claim 1, Nakabayshi does not teach or suggest "receiving direction information indicative of a direction of movement between the image capture device and the document during the capture of the plurality of digital images", as recited in independent claim 1. For the reasons set forth above with respect to claim 1, Nakabayshi also does not teach or suggest the above-quoted limitations of independent claims 7 and 12. Honma also does not teach or suggest the above-quoted limitations of independent claims 7 and 12.

In view of the above, independent claims 7 and 12 are not taught or suggested by Nakabayshi and Honma, either alone or in combination, and are believed to be allowable over the cited references. In addition, dependent claims 8-11 and 13-17 which further define patentably distinct claims 7 and 12, respectively, and are further distinguishable over the cited references, are also believed to be allowable over the cited references. Applicant respectfully requests removal of the rejection of claims 7-17 under 35 U.S.C. §103(a), and allowance of these claims is respectfully requested.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-17 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-17 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-1078.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Pamela Lau Kee at Telephone No. (408) 553-3059, Facsimile No. (408) 553-3063 or Jeff A. Holmen at Telephone No. (612) 573-0178, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28th day of **September**, **2005**.

By
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